

A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----- X
D.B. , JR. an infant by his mother
And natural guardian JENNIFER BLAFFORD and
JENNIFER BLAFFORD, Individually,

507144/15
Index No.: ~~504~~

Filed: 6/10/15

Plaintiff designates

KINGS

County as Place of trial

The place of venue is

PLAINTIFFS RESIDENCE

Plaintiffs,

- against -

HOME DEPOT U.S.A., INC,

Defendants,

----- X
TO THE ABOVE NAMED DEFENDANTS:

SUMMONS

PLAINTIFF RESIDES AT

2061 East 72nd St.

County of Kings

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff(s) Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York
June 8, 2015

Domenic M. Recchia, Jr.
Attorney for Plaintiffs
172 Gravesend Neck Road
Brooklyn, New York 11223
(718) 336-5550

DEFENDANT'S ADDRESS:

HOME DEPOT U.S.A., INC
c/o Corporation Service Company
80 State Street
Albany, New York 12207-2543

NOTICE:

UPON RECEIPT OF THIS SUMMONS TO PROTECT YOUR RIGHTS, YOU
MUST TURN IT OVER TO YOUR INSURANCE CARRIER IMMEDIATELY.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WINGS**

-----X
D.B. , INFANT BY HIS
MOTHER AND NATURAL GUARDIAN
Plaintiff(s)/Petitioner(s),

Index No. 507144/15

- against -
HOME DEPOT U.S.A. INC.,

Defendant(s)/Respondent(s).
-----X

**NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING
SUPREME COURT CASES**

PLEASE TAKE NOTICE that plaintiff(s)/petitioner(s) [defendant(s)/respondent(s)] in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System ("NYSCEF") in accordance with the procedures therefor, set forth in Uniform Rule 202.5-b and described below. Under that Rule, filing and service of papers by electronic means cannot be made by a party nor can electronic service be made upon a party unless that party has consented to use of the System for the case in question. Each party served with this Notice must promptly file with the court and serve on all other parties either a consent or a declination of consent to electronic filing and service through NYSCEF for this case. (See Instruction # 2 below.)

General Information

Electronic filing offers significant benefits for attorneys and litigants, permitting documents to be filed with the County Clerk and the court and served, between or among consenting parties, by posting the documents on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. There is no fee to use the NYSCEF System, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print documents from the docket. Normal filing fees must be paid, but this can be done by credit or bank card on-line. For additional procedures and information, see Uniform Rule 202.5-b, any e-filing protocol that may have been promulgated by the court in question, and the NYSCEF Website at www.nycourts.gov/efile.

Instructions

1. Service of this Notice constitutes consent to e-filing and a statement of intent by the undersigned to use the NYSCEF System in this case. When an action or proceeding is being commenced through the NYSCEF System, this Notice must accompany service of the initiating papers.
2. Each party served with this Notice may consent to e-filing either: (i) by filing with the court and serving on all parties of record a consent to e-filing, or (ii) if an authorized e-filing user, by filing a consent electronically in the manner provided at the NYSCEF site. Parties who do not wish to consent must file and serve a written declination of consent. If one party or some but fewer than all parties consent, NYSCEF may be used by and between or among consenting parties.
3. Each participating attorney, unless already registered, or self-represented party must **PROMPTLY** create a NYSCEF account and obtain the confidential Filing User Identification Number and Password necessary to use the system. To create a NYSCEF account, go to www.nycourts.gov/efile, click the Create an Account link, and follow the instructions.
4. For additional information about NYSCEF, see the *User's Manual* and *Frequently Asked Questions* on the Website, or contact the court in question or the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov; mailing address: 60 Centre Street, New York, New York 10007).

Dated: 6/2/15

[Signature] (Signature)

Domènec M. Rocchi (Name)

____ (Firm)

172 Gravesend Road (Address)

Brooklyn NY 11223

Attorney(s) for Plaintiffs

718-336-5550 (Phone)

718-336-8466 (Fax)

domenecc@gmail.com (E-mail)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----- X
D.B. , JR. an infant by his mother
And natural guardian JENNIFER BLAFFORD and
JENNIFER BLAFFORD, Individually,

Plaintiff,

- against -

HOME DEPOT U.S.A., INC,

Defendants.

----- X

Plaintiffs, by their attorney, DOMENIC M. RECCHIA, JR.,
ESQUIRE, complaining of the Defendant, respectfully alleges as
follows:

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF DEAN BLAFFORD, JR.**

1. That Plaintiff D.B. , JR. was and still is a resident of the County of Kings, City and State of New York.
2. Upon information and belief, that at all times herein mentioned, Defendant HOME DEPOT U.S.A., INC., was and still is a domestic limited liability corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. Upon information and belief, that at all times hereinafter mentioned, the Defendant HOME DEPOT U.S.A., INC., was

Index No.: 507144/15

Filed: 6/10/15

VERIFIED COMPLAINT

the owner of the building and premises known as 5700 Avenue U, Brooklyn, New York.

4. Upon information and belief, that at all times hereinafter mentioned, the Defendant HOME DEPOT U.S.A., INC., leased the building and premises known as 5700 Avenue U, Brooklyn, New York.

5. Upon information and belief that at all times herein mentioned Defendant HOME DEPOT U.S.A., INC., operated a building and premises at the above mentioned location.

6. Upon information and belief, that at all times hereinafter mentioned, the Defendant HOME DEPOT U.S.A., INC., controlled the aforesaid building and premises.

7. Upon information and belief, that at all times hereinafter mentioned, the Defendant HOME DEPOT U.S.A., INC., managed the aforesaid building and premises.

8. Upon information and belief, that at all times hereinafter mentioned, the Defendant HOME DEPOT U.S.A., INC., maintained the aforesaid building and premises.

9. Upon information and belief, that at all times herein mentioned the Defendant, HOME DEPOT U.S.A., INC., was under a duty and obligation to maintain the aforesaid building and premises in a reasonably safe condition for all lawful users and customers thereof.

10. That on or about the 29th day of April, 2015, while the Plaintiff D.B. , JR. was lawfully in and upon the

aforesaid retail establishment, he was caused to trip and fall thereby sustaining severe personal injuries.

11. Upon information and belief, that at all times hereinafter mentioned, the Defendant, caused, permitted and allowed the aforesaid retail establishment, to be, become and remain in a dangerous, hazardous, negligent and defective condition containing a cracked tile/drain cover and as a result of the improper maintenance, which condition constituted a trap and nuisance.

12. That by reason of the aforesaid occurrence, Infant-Plaintiff D.B. , JR. was rendered sick, sore, lame and disabled and was caused to and did sustain severe, protracted personal injuries which injuries are upon information and belief permanent and that this Plaintiff has, as a result thereof, been confined to bed and home, has required medical attention, and has been prevented for some time to come, from pursuing his usual and ordinary activities, and has required the expenditure of sums of money for hospital and medical aid and attention and will, in the future, be required to expend further sums for such medical aid and attention, all in an effort to be cured of her said injuries.

13. That the aforesaid occurrence and the injuries resulting therefrom were caused by the negligence, carelessness and recklessness of the Defendant, their agents, servants and/or employees of the Defendant and without any negligence or carelessness or want of care on the part of the Plaintiff

contributing in any way thereto.

14. That this action comes within one of the exceptions set forth in Section 1602 of the Civil Practice Laws and Rules of the State of New York.

15. That as a result of the foregoing, Infant-Plaintiff D.B.), JR., has been damaged and asks for an award of money damages as just compensation for those injuries.

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF JENNIFER BLAFFORD**

16. Plaintiff JENNIFER BLAFFORD, repeats, reiterates and realleges each and every allegation contained in the First Cause of Action marked "1" through "15" with the same force and effect as if more fully set forth at length herein.

17. The Infant-Plaintiff D.B.), JR. was and still is the son of the Plaintiff JENNIFER BLAFFORD with whom at all the times herein mentioned the Infant-Plaintiff resided and still resides, and Plaintiff JENNIFER BLAFFORD was and is entitled to the services, companionship, love, affection, consortium, and earnings of his said son. That by reason of this occurrence and the injuries sustained by Infant-Plaintiff D.B.), JR., Plaintiff JENNIFER BLAFFORD has been and will be deprived of the society, companionship, consortium, services, and earnings of her said son and Plaintiff JENNIFER BLAFFORD has been compelled to and did expend sums of money for medical aid and attention all in an effort to cure her son

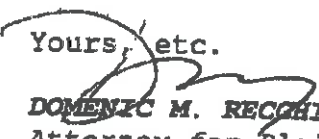
of his said injuries and upon information and belief, will be compelled to expend further sums of money in the future for said purposes.

18. That as a result of the foregoing, plaintiff JENNIFER BLAFFORD, has been damaged and asks for an award of money damages as just compensation for those injuries. That the amount of damages sought exceeds the jurisdiction of all lower Courts that would otherwise have had jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein, jointly and severally, for an award of compensatory damages together with the costs and disbursements of this action.

Dated: Brooklyn, New York
June 9, 2015

Yours, etc.


DOMENIC M. RECCHIA, JR.
Attorney for Plaintiff
172 Gravesend Neck Road
Brooklyn, New York 11223
(718) 336 5550

INDIVIDUAL VERIFICATION

STATE OF NEW YORK COUNTY OF KINGS:

I, Jennifer Blafford, being duly sworn, deposes and say:
I am a plaintiff in the action; I have read the COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Jennifer Blafford

Sworn to before me on the

9 day of June, 2015

Notary Public

DOMENIC M. RECCHIA
Notary Public, State of New York
No. 02REG048248
Qualified in Kings County
Commission Expires August 7, 2016

INDEX NO. 50714 YEAR 15
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

D.B. , JR. an infant by his mother
And natural guardian JENNIFER BLAFFORD and
JENNIFER BLAFFORD, Individually
Plaintiff,

- against -

HOME DEPOT U.S.A., INC

Defendants.

VERIFIED SUMMONS AND COMPLAINT

DOMENIC M. RECCHIA, JR.
Attorney for Plaintiffs
172 Gravesend Neck Road
Brooklyn, New York 11223
(718) 336-5550
FAX (718) 336-8466

TO:
ATTORNEYS FOR:

SERVICE OF A COPY OF THE WITHIN IS HEREBY
ADMITTED
DATED:

ATTORNEYS FOR
PLEASE TAKE NOTICE

that the within is a (certified) copy of an entered
in the office of the within
NOTICE OF ENTRY
20 named Court on

that an Order of which the within is a true copy will be
presented for settlement to the
NOTICE OF SETTLEMENT Hon. , one of the judges of the within
named Court, at on
20 at 9:30 a.m.

DATED: Brooklyn, New York

DOMENIC M. RECCHIA JR.
Attorney for Plaintiffs
172 Gravesend Neck Road
Brooklyn, New York 11223